

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

DEC 16 2011

UNITED STATES OF AMERICA,

) CASE NO. 5:04CR00015

10

DEPUTY CLERK

vs.

) **FINAL ORDER**

RICKEY A. MERICA.

) By: Glen E. Conrad

Defendant.

Chief United States District Judge

U.S. GOVERNMENT PRINTING OFFICE: 1913 10-1200

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the defendant's motion (ECF No. 229), is hereby **DENIED** as a motion under Fed. R. Civ. P. 60(d); is **CONSTRUED** as a motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, and **DISMISSED** as successive; and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 15th day of December, 2011.

Yours sincerely

Chief United States District Judge
